

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATIONS No 933,1133 & 1136 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and
MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

ROTOMOULD (INDIA) PVT LTD

Versus

UNION OF INDIA

Appearance:

Spl.C.A. No.933 & 1136/99
M/S TRIVEDI & GUPTA for Petitioners
MR PB MAJMUDAR for Respondent No. 1
MS PJ DAVAWALA for Respondent No. 2, 3

Special CA No.1030/99
Mr Mihir H Joshi for petitioners
Mr P B Majmudar for respondent No.1

Special CA No.1133/99
Mr D V Parikh for petitioners
Mr P B Majmudar for respondent No.1

CORAM : MR.JUSTICE B.C.PATEL and
MR.JUSTICE A.L.DAVE

Date of decision: 12/03/99

ORAL COMMON JUDGMENT (per Patel, J.)

RULE. Mr P B Majmudar, learned Advocate waives service of Rule on behalf of the respondents.

2. Heard the learned Advocates appearing for the parties. We do not propose to give reasons at the request of the learned Advocates, as the matter is pending before the Collector (Appeals) and the decision may affect them one way or the other.

3. Similar orders are passed in Messrs Ratan Enterprises v. Union of India being Special Civil Application No.6029 of 1997 on 15.10.1997 by this Court (Coram: R A Mehta, Actg.CJ & S D Pandit, J.) and similar orders are passed in several other matters as well. In view of the fact that orders passed are not speaking orders, rule was made absolute in those matters.

4. Mr P B Majmudar, learned Advocate states that in some of the matters, the petitioners have challenged the order in original also. It goes without saying that this court has neither examined the order in original nor has expressed any opinion about the order in original and the matter is confined to the order in stay application, passed by the appellate authority, which is a non-speaking one.

5. On the facts and in the circumstances of the case, the Appellate Authority is directed to decide afresh the applications for stay moved by the petitioners and pass appropriate speaking orders therein within the period of four weeks from the date of receipt of writ of this order. Recovery of pre-deposit shall not be made till the stay applications are decided. Rule is made absolute to the aforesaid extent with no order as to costs.

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